

Message Text

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11

ACTION L-03

INFO OCT-01 ARA-10 ISO-00 SCA-01 JUSE-00 DEAE-00 DRC-01

RSC-01 /017 W

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R 172355Z OCT 73

FM AMEMBASSY MEXICO

TO SECSTATE WASHDC 8502

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EO 21652: N/A

TAGS: CPRS/SNAR/MX

SUBJ: EXTRADITION: RAFAEL PINEIRO-VELASCO

2. ON SEPTEMBER 7 WOMAN PURPORTING TO BE WIFE OF RAFAEL PINEIRO-VELASCO CONTACTED DEA TO STATE THAT HER HUSBAND BELIEVES THAT, THROUGH A CASE OF MISTAKEN IDENTITY, HE WRONGLY IS BEING HELD BY MEXICAN AUTHORITIES. ARRESTEE REPORTEDLY PREPARED TO GO TO US TO "CLEAR HIS NAME". ON SEPTEMBER 11 DEA INFORMED EMBASSY OF THIS CONTACT, STATING THAT OFFICE STILL IS CONVINCED THAT MAN BEING HELD IS CORRECTLY IDENTIFIED AS SUBJECT OF OUR EXTRADITION REQUEST.

2. ON SEPTEMBER 12 EMBASSY OFFICER DISCUSSED THIS DEVELOPMENT IN GENERAL TERMS WITH FONSECRETARIAT EXTRADITION OFFICIALS. THEIR OPINION WAS THAT JUDGE HEARING CASE WOULD HAVE TO MAKE A DECISION ON WHETHER OR NOT TO SUSPEND CASE SO AS TO ALLOW ARESTEE TO GO TO US.

3. ON OCTOBER 17, LIC. ABARCA OF FONSECRETARIAT CALLED EMBOFF TO RELORT THAT SUSPECT IS BASING HIS DEFENSE ON ALLEGED MISTAKEN IDENTITY. ACCUSED PLANS TO INTRODUCE "EXPERT TESTIMONY" TO SHOW THAT PHYSICAL DESCRIPTION AND PHOTOGRAPHS SUBMITTED IN CONNECTION WITH REQUEST ARE AT VARIANCE WITH HIS OWN PHYSICAL APPEARANCE. COURT INFORMALLY HAS QUERIED FONSECRETARIAT ABOUT POSSIBILITY THAT, UNDER EXTRADITION TREATY, USG MIGHT FINANCE (PAYMENT OF HONORARIUM) APPEARANCE BY LOCALLY CONTRACTED "EXPERT" WHO WOULD

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TEST FY ON BETALF OF PROSECUTION.

4. ACTION REQUESTED:

EMBASSY REQUESTS DEPARTMENT'S DECISION ON WHETHER OR NOT FINANCIAL OBLIGATION OUTLINED IN ARTICLE XI OF TREATY WOULD EXTEND TO COVERING COSTS FOR SUCH EXPERT. IN ADDITION TO CONTRACTING MEXICAN EXPERT FOR THIS PURPOSE, ABARCA WONDERED WHETHER OR NOT THERE MIGHT BE INTEREST IN SENDING EITHER EXPERT OR CHARACTER WITNESS FROM US TO ESTABLISH SUSPECT'S IDENTITY. LATTER POSSIBILITY WOULD BE EXPLORED WITH MEXICAN JUDICIAL OFFICIALS ONLY IF USG INDICATEDS POSITIVE INTEREST.

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